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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,461	04/12/2004	Richard G. Kleker	070331-014	4638

7590 11/08/2004

Attn: Craig A. Gelfound
MCDERMOTT, WILL & EMERY
34th Floor
2049 Century Park East
Los Angeles, CA 90067

EXAMINER

MCLEAVEY, ANDREW JAMES

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,461

Applicant(s)

KLEKER, RICHARD G.

Examiner

Andrew McAleavey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/12/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Examiner's Note

1. The Examiner notes that although a restriction requirement would ordinarily be made between apparatus claims 1-22 and method claims 23-26, method claims 23-26 were searched and examined in this action because similar claims were searched and a written opinion drafted by this office in related PCT/US2004/11299. Therefore, it was not a significant burden to examine those claims here. However, Applicant is advised that if any additional method claims are entered, the claims may be subject to restriction.

Information Disclosure Statement

2. The Examiner notes that of the references cited in the Information Disclosure Statement filed with the application, a copy of the *New York Magazine* article was not supplied in this application, as required by 37 C.F.R. § 1.98. However, since Applicant did supply a copy of that reference in related Application No. 10/417,045 (on which an action was recently issued), the Examiner has considered the reference in this application as a courtesy to Applicant.

Double Patenting

3. Claims 1-26 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 16-39 of copending Application No. 10/417,045 (hereinafter "the '045 application") in view of Todd-Reeve, U.S. Patent No. 3,868,835 (hereinafter "Todd-Reeve").

This is a provisional obviousness-type double patenting rejection.

The differences between claims 1-26 of the present application and claims 16-39 of the '045 application are as follows:

(1) The apparatus claims of the present application recites a manifold "configured to discharge air," whereas the '045 application recites a manifold "configured to discharge water."

(2) The claims of the present application recite (in various combinations) a blower and a condenser, whereas these features are absent in the '045 application claims.

(3) The claims of the present application recite a "chemical agent," whereas the claims of the '045 application recite a "conditioning agent."

(4) The method claims of the present application recite blowing, recirculating, and removing water from air, whereas claims 38 and 39 recite only spraying.

As to (1), air and water are both fluids, and it is the Examiner's position that "configuring" a manifold to discharge one or the other would have been obvious to one of ordinary skill in the art. Additionally, the Examiner notes that, with respect to claim 1 of the present application, the condenser is "configured to remove water from the air discharged from the manifold." Therefore, according to Applicant's own recitation, water is being discharged from the manifold.

As to (2), Todd-Reeve discloses both a blower (fan 45) and a condenser (passage 47) and shows that these components are conventional in combined washing and drying machines. It would have been obvious to circulate air in a drying chamber,

and to recover solvent or cleaning fluid by condensing.

As to (3), a "conditioning agent" is a "chemical agent," and in the relevant arts, such additives as bleach, fabric softener, fragrance are well known to those of skill in the art.

As to (4), the Examiner first notes the comments above with respect to (2). Claim 38 of the '045 application (with its broader recitation of "spraying") clearly anticipates the recitations in claim 23 of "blowing air" and "recirculating air." Moreover, the difference in scope would have been obvious, particularly in view of Todd-Reeve.

Accordingly, the above-noted claims of the present application are rendered obvious by the above-noted claims of the '045 application in view of Todd-Reeve.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Todd-Reeve.

Todd-Reeve discloses a garment processing apparatus. At column 4, lines 9-24, Todd-Reeve discloses that in the apparatus, air is blown into the compartment and onto the clothes through an upper spray bar (12; which the Examiner construes to be a manifold). According to the reference, the air flows into a passage (47) which acts as a condenser and is recirculated (or, alternatively, vented to the outside). As to the

recitation that the air is blown onto both sides of the garment, the Examiner notes that the air flowing through the spray arm manifold causes the spray arm to rotate. The Examiner's position is that because of the rotation of the spray arm, the air would necessarily be blown onto "both sides" of the garments. (However, the Examiner notes that Applicant has not explicitly defined which sides of the garment constitute "both sides.")

Accordingly, Todd-Reeve anticipates claim 23.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4, 10-12, 17-19, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Todd-Reeve in view of O'Brien et al., U.S. Patent No. 4,646,769 (hereinafter "O'Brien").

Todd-Reeve discloses a cabinet configured to support a plurality of garments for cleaning and drying garments. The reference includes rotating water sprayers (12, 13), a sump (28) which acts as a water source, a blower (fan 45) which moves air about the compartment, an air heater (49), and a passage (47) that can serve as a condenser duct (see column 4, lines 17-18). The reference also discloses at column 4, lines 9-24, that air may be either recirculated through the apparatus or discharged directly. (Which

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the Examiner takes to mean that Todd-Reeve includes an exhaust port, and that the blower and condenser are between its sprayers and the exhaust.) Methods of using the cabinet to clean garments are both disclosed and implied throughout the Todd-Reeve reference.

Todd-Reeve does not explicitly disclose a manifold with a plurality of arms that is capable of traversing the length of the clothes, its manner of attachment/articulation, or its method of use. However, O'Brien et al. discloses a cleaning tool that includes a manifold (pumping apparatus and associated hoses; not shown in the figures, but see column 3, lines 48-50) with a number of arms (22). Each of the arms includes a number of nozzles (32a, 32b, 34b, etc.). As is indicated in the reference and shown in Figure 2, the arms are configured to be raised and lowered between vertically oriented substrates so as to traverse the height of the substrates. Additionally, O'Brien et al. clearly discloses methods of cleaning vertically-oriented substrates by traversing their lengths with the manifold arms. O'Brien et al. and Todd-Reeve are clearly both in the cleaning field of endeavor; moreover, both clearly relate to the cleaning of vertically suspended substrates.

It would have been obvious to provide the cabinet of Todd-Reeve with arms capable of traversing the height of the clothing cabinet in order to realize the advantages of close range, direct application of fluids and vapors to the entire surface of the garments to be cleaned. With respect to the recitation that the arms of the manifold are "configured to discharge air," the Examiner notes that no particular structure is recited or implied, and thus gives that language little weight. Both Todd-Reeve and

O'Brien disclose manifolds configured to discharge fluid, and it is the Examiner's position that a fluid discharge nozzle or orifice is also configured to discharge air.

Additionally, in view of the disclosure of both references, it would have been obvious to traverse the garments while discharging the air so as to effect complete and thorough treatment with the air.

With respect to means-plus-function claims 18 and 19, the above-noted disclosures of Todd-Reeve and O'Brien read on the structures disclosed in the specification that perform the recited functions. In the alternative, the Examiner holds that the structures disclosed in the references are equivalent to those set forth in the specification.

With respect to claim 24, the combination of Todd-Reeve and O'Brien renders obvious the task of traversing the length of the garments while blowing air onto the garments, as set forth above.

Accordingly, Todd-Reeve and O'Brien render the above-noted claims obvious.

8. Claims 5-9, 13-16, 20-22, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Todd-Reeve and O'Brien as applied to claims 1-4, 10-12, 17-19, and 24 above, and further in view of Fitzpatrick et al., U.S. Patent No. 5,305,484 (hereinafter "Fitzpatrick").

The disclosures of Todd-Reeve and O'Brien et al. are as set forth above in the preceding paragraphs. Neither reference discloses a steam generator, the arrangement of the steam generator, a reservoir adapted to hold a chemical agent, or a pump to inject the chemical agent into the air.

Fitzpatrick discloses a clothes steaming and drying cabinet (1) including a steam generator (boiler tank 165 and associated structures). Additionally, at column 15, lines 60-64, Fitzpatrick discloses the use of a chemical reservoir to receive a chemical in solid, liquid or powder form. As described in that passage, the reservoir is constructed and arranged such that chemical agent is added to the air reaching the garments.

It would have been obvious to provide the combined apparatus of Todd-Reeve and O'Brien et al. with a steam generator so as to allow more effective pressing of the washed clothing. It also would have been obvious to provide the steam outlets in the manifold, as with the air outlets, in order to provide direct exposure of the clothing to the steam. Moreover, for the same reasons set forth above, it would have been obvious to traverse the length of the garments once with steam and once without, so as to provide direct application of each of air and steam, so as to clean and press the garments more effectively.

Additionally, it would have been obvious to provide the combined apparatus of Todd-Reeve and O'Brien et al. with a reservoir for a chemical agent in order to provide fragrance or additional chemical treatment of the clothes, as suggested in Fitzpatrick. Although Fitzpatrick itself does not explicitly disclose a pump to feed the chemical agent from the reservoir, Todd-Reeve uses a pump (21) to drive its fluid delivery system. In view of the disclosure of Todd-Reeve, it would have been obvious to provide a pump for the reservoir disclosed in Fitzpatrick in order to provide for more effective delivery of the chemical agent. The Examiner notes that the use of additives such as bleach and fabric softener is well known in the art.

Accordingly, the combination of Todd-Reeve, O'Brien, and Fitzpatrick renders the above-noted claims obvious.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The art cited by Applicant is considered to be relevant, particularly the art described in the specification.

Chen et al., U.S. Patent No. 6,189,346, discloses a garment processing cabinet with a chemical reservoir, an atomizer, and a fan to circulate the chemical in the reservoir.

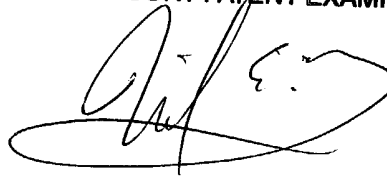
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew McAleavey whose telephone number is 571-272-0542. The examiner can normally be reached on Monday through Friday, 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AM
11/3/2004

MICHAEL BARR
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'Michael Barr', is written over the printed name and title. The signature is stylized with a large, sweeping loop at the end.